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Application No. 10/063315

Amendment

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## Remarks

This Amendment is in response to the Final Office Action dated **October 17, 2006**. In the Office Action claims 38-41 and 43-53 were rejected under 35 USC 103(a) as being unpatentable over US-Patent No. 5,911,732 to Hojeibane. Applicant disagrees with this rejection.

In putting forth the rejection, the Office Action points to Fig. 3 of Hojeibane and asserts that Hojeiban teaches all the limitations of the claims except for the coil segment having a greater length than the non-coil segments. The Office Action further asserts that this limitation would be obvious in light of Hojeibane as the cited passage of Hojeibane states that "the final shape of this connector will depend primarily upon the desire of the user to have greater or lesser flexibility in the area of the articulation between the stents as the spiral connector."

However, neither the cited passage nor any other passage of Hojeibane provides any teaching or suggestion that the length of the connectors may be varied; only the shape. It is widely known that changing the shape of a connector can increase or decrease the flexibility of the connector, without changing its length. In fact, Hojeibane suggests rounding connectors and shortening the cells of the stent to allow for greater flexibility (col. 4, lines 48-49), but not changing the length of the connector. For at least this reason, the claims are allowable in light of Hojeibane.

Moreover, independent claims 38 and 46 compare the lengths of a coil segment and a serpentine segment. Even if one were to modify the length, in spite of the absence of any motivation or suggestion to do so, there is no motivation within Hojeibane for the specified length relationship. Hojeibane does not draw any comparison between the lengths of the coil connectors and the non-coil segments. In fact, whatever shape the connectors of Hojeibane

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might have, one skilled in the art would not assume that the coiled connectors are longer than the non-coil segments unless stated otherwise.

In addition, Hojeibane does not teach serpentine segments connected by coil segments. The Office Action states that the stent in Figure 3 is a simplified illustration of two non-coil segments connected by coil segments. However, Hojeibane is more specific than this and states that the coil/spiral connector is between a series of *cell-type stents* 271, 272 (please see col. 7, lines 34-36). Figs. 1 and 4 do not simply show the detailed structure of the "non-coiled" segments of Fig. 3 as suggested in the Office Action. Hojeibane makes it clear that Fig. 3 illustrates coil/spiral connectors connecting cell-type stents. Cell type stents are not the same as the serpentine segments of claims 38 and 46. Thus, Hojeibane does not teach or suggest serpentine segments and coil segments within a stent as claimed in claims 38 and 46.

For at least the reasons asserted above, Applicant believes claims 38 and 46 and those claims dependent thereof are allowable in light of Hojeibane. Applicant respectfully requests that the rejection be withdrawn.

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**Conclusion**

In view of the foregoing it is believed that the present application, with claims 38-41 and 43-53, is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

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